



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning and Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2303034  
**Applicant Name:** Minh Nguyen for Thich Minh Chieu  
Vietnamese Buddhist Temple  
**Address of Proposal:** 1651 S. King Street

**SUMMARY OF PROPOSED ACTION**

Master Use Permit application for future construction of an elevated (125 square foot) deck addition to an existing religious facility (Vietnamese Buddhist Temple). The deck addition will attach the temple building to an accessory structure (garage and convent). The project includes an 80 square foot enclosed storage (Pantry) room placed on the deck.

The following approvals are required:

**Administrative Conditional Use** - To expand an institution in an L-1 zone.  
(Chapter 23.45.122, Seattle Municipal Code.)

**SEPA DETERMINATION:**      ☒ Exempt   ☐ DNS   ☐ MDNS   ☐ EIS  
   ☐ DNS with conditions  
   ☐ DNS involving non-exempt grading or demolition or  
   involving another agency with jurisdiction

**BACKGROUND DATA**

**Site and Vicinity Description**

The subject property is a corner lot located at the intersection of South King Street and 18<sup>th</sup> Avenue South in the Judkins Park neighborhood. The site is one block south of South Jackson Street, a primary arterial connecting the Mount Baker neighborhood to Downtown. The subject site is square in shape, encompassing an area of approximately 9,968 square feet in a Multifamily Lowrise One (L - 1) zone. The site slopes modestly downward from its northeast corner to the southwest corner. Several mature conifer trees are located along the north and east perimeter which visually softens the developed site along the streetscape. A religious facility, Vietnamese

Buddhist temple of Seattle, is the current occupant at the development site. The site is fully developed with four structures, landscaping features, and surface parking for five vehicles. The existing temple is the main building which stands approximately thirty-five feet to the roof ridge, as measure above existing grade. Three accessory structures are located near the rear (south) property line that abuts an alley. The structures are colored in yellow and red trim that brightens up the block front. The main entrance features a brick archway that is accessed through the 18th Avenue South right-of-way. Additional covenant parking for 20 spaces is located at 1610 S. King Street and additional 5 spaces at 417 18<sup>th</sup> Avenue South.

The subject site is situated in a residential zone that is surrounded by commercial and institutional activities. A number of commercial business establishments are sporadically located near the development site. Directly north, across South King Street a commercial painting business (Jergens Painting) is in operation. Down the street along South King Street one of four religious facilities is sited in the general area. Saint Peter's Episcopal Parrish is located on the opposite side of South King Street some 200 feet from the subject site. Across the centerline of South King Street along the entire block front and one third of the way down the subject site's block front the residential zone intensifies to Multifamily Lowrise Two (L - 2). To the north beyond this narrow L2 band, a moderately intensive Neighborhood Commercial Three zone with a height limit of 40 feet (NC3 – 40) is situated. Commercial activity is in abundance along this strip of South Jackson Street. Two commercial bakeries, Wonder Bread and Gai's, are well established business anchors along this commercial strip. To the west, two blocks away, Rainier Avenue South, a primary arterial, slices through the Rainier Valley neighborhood of Seattle. Between the development site and Rainier Avenue South, a Commercial Two zone with a height limit of 40 feet is clustered around Rainier Avenue South. To the south and east, lower residential density zones are located supporting a high concentration of modest one and two-story single family residential structures. Outside the boundary of the residential zone, further east, the zone transitions into more intensive commercial uses approaching 23<sup>rd</sup> Avenue South. In this area Gai's Bakery and Washington Junior High School are located.

### Proposal Description

The applicant proposes to eliminate an active Notice of Violation (NOV), case #230831, for the construction of a deck addition without a permit. The addition is a 5' X 25' elevated wood deck connecting the main floor of the existing temple to the accessory convent building. In addition to the deck, an enclosed eighty square foot kitchen storage (pantry) room was constructed on the deck. The stairs leading to the convent will be reconfigured.

### Public Comment

The public comment period for this project began on August 21, 2003 and ended on September 3, 2003. A total of two comment letters were received. The respondent expressed concerns regarding traffic congestion upon the neighboring streets, outdoor religious ceremonies, building expansion history and feeding of wildlife in the public right-of-way. One neighbor phoned in his complaint about odors emitting from the kitchen venting system into the neighborhood.

## **ANALYSIS - ADMINISTRATIVE CONDITIONAL USE GENERAL PROVISIONS**

- A. *Only those conditional uses identified in this subchapter as conditional uses may be authorized as conditional uses in multifamily zones. The Master Use Permit process shall be used to authorize these uses.*

The Land Use Code allows this use in multifamily zones outright, but requires an Administrative Conditional Use approval when institutions do not meet development standards. A number of nonconforming conditions have been identified that include structure depth, side and rear setbacks.

- B. *Unless otherwise specified in this subchapter, conditional uses shall meet the development standards for uses permitted outright in Subchapter I.*

This proposal is subject to SMC 23.45.122, Institutions other than public schools not meeting development standards due to the aforementioned nonconforming conditions.

- C. *The Director may approve, condition or deny a conditional use. The Director's decision shall be based on a determination of whether the proposed use meets the criteria for establishing a specific conditional use and whether the use will be materially detrimental to the public welfare or injurious to property in the zone or vicinity in which the property is located.*

This decision shall be based on whether the proposed use meets the criteria for establishing a specific conditional use as described in SMC 23.45.122 A through D. A religious facility has operated at this location since 1991, when the Vietnamese Buddhist Association was permitted at this address. The City recognizes the public benefit that institutions, such as these have made by providing educational and cultural opportunities to their communities. The criteria for establishing this expansion shall be examined, and the project will be conditioned to prevent material detriment or injury to properties in the vicinity.

- D. *In authorizing a conditional use, the Director may mitigate adverse negative impacts by imposing requirements and conditions deemed necessary for the protection of other properties in the zone or vicinity and the public interest.*

The criteria described in SMC 23.45.122 A through D is used to evaluate the proposal and condition, if necessary, to protect other properties and the public interest.

- E. *The Director shall issue written findings of fact and conclusions to support the Director's decision.*

This report satisfies the above criterion.

- F. *Any authorized conditional use which has been discontinued shall not be re-established or recommenced except pursuant to a new conditional use permit.*

These institutions have existed and been in operation since they were established in 1991 therefore, this criterion is not applicable.

## **ANALYSIS - ADMINISTRATIVE CONDITIONAL USE**

### **Multifamily Zones**

Section 23.45.090.C of the Seattle Municipal Code (SMC) provides that expansion of an existing institution may be permitted as an administrative conditional use subject to the requirements of Section 23.45.122.

SMC section 23.45.122 provides criteria to be used to evaluate and/or condition this proposal. They are categorized as: A) Bulk and Siting; B) Dispersion Criteria; C) Noise; and D) Transportation Plan. Each of these criteria will be analyzed below.

*A. Bulk and Siting. In order to accommodate the special needs of the proposed institution, and to better site the facility with respect to its surroundings, the Director may modify the applicable development standards for modulation, landscaping, provision of open space and structure width, depth and setbacks. In determination whether to allow such modifications, the Director shall balance the needs of the institution against the compatibility of the proposed institution with the residential scale and character of the surrounding area.*

The two existing buildings are currently nonconforming to L – 1 zoning development standards. The temple (main building) is over the allowed height limited in this zone for structures in the principal building area. The garage/convent is above height for accessory structures in the required rear setback. A previous permit (#725758) application approved a five foot separation between structures and reduction of the required rear setback at the development site. The eaves extended approximately two feet from each structure leaving approximately one foot separation from eave to eave. Substantively from a distance the buildings appeared to be visually connected and its bulk was lessened by its terraced appearance. The owners constructed an elevated (main level) 125 square foot deck to connect the two structures together and installed an enclosed 80 square foot kitchen pantry on the deck. In order to meet the special dietary needs and functional operation of the Buddhist community they needed to site a pantry within close proximity to the kitchen. This elevated deck and pantry has minimally impacted the appearance of bulk along the west and east axis. From the east property boundary line, the bulk and siting of the attachment is within scale of the larger residential structures along the streetscape. An individual can see through to the fence along the west property line from the east at the lower level. From the west property boundary line, the addition enhances the building's presence through modulation techniques that use color and siding materials. The single family residence abutting the subject site to the west is indirectly affected by the addition. However, the infill addition does not adversely impinge upon said property. And as such the addition falls within the compatibility within this residential area.

It has been noted by the planner that certain features were absent at the development site that were required for approval of the previous permit (#725758) to mitigate bulk and scale. Conditions will be added to this decision to resolve any outstanding inconsistencies that currently exists between the approved plan set and existing conditions at the development site.

*B. Dispersion. An institution that does not meet the dispersion criterion of SMC 23.45.102 may be permitted upon determination that the institution would not substantially aggravate parking shortages, traffic safety hazards, and noise in the surrounding residential area.*

There are three religious facilities and one private school within 600 feet of the project site. The concentration of institutions in this area affects the demand for parking, traffic, noise, and odors during peak times of use. However, South Jackson Street provides substantial separation between two of the religious facilities and the development site. The private school is next to Rainier Avenue South which carries heavy traffic volumes. This project proposal establishes an eighty square foot kitchen pantry to store food. There is no discernable evidence that creating a eighty square foot pantry and forty-five square foot deck would substantially aggravate preexisting parking shortages, traffic safety hazards and noise upon the surrounding residential neighborhood. The intent of the dispersion criteria will not be compromised with this project.

*C. Noise. The Director may condition the permit in order to mitigate potential noise problems. Measures to be used by the Director for this purpose include, but are not limited to the following: landscaping, sound barriers or fences, mounding or berming, adjustments to yards, the location of refuse storage areas, or parking development standards, design modification, and fixing of hours of use of area.*

Additional noise generated from the proposal would impact the neighboring multifamily buildings. To mitigate noise impacts a fence and planting bed have been approved and permitted along the west property line. The elevated enclosed kitchen pantry has one window facing the west. Activity within the pantry is not expected to generate noise on the abutting property.

*D. Transportation Plan. A transportation plan is required for institutions proposing expansions of more than 4,000 square feet and/or requiring the addition of 20 or more parking spaces. The Director shall determine the level of detail to be disclosed based on the probable impacts and/or scale of the proposal. The transportation plan may consider the following elements, as well as other similar factors: traffic, parking area, parking overflow, safety, and availability of mass transportation.*

The net increase of a 125 square foot of pantry and deck area falls well under the 4,000 square feet threshold of increase gross floor area and will not require a transportation plan. This is a minor increase in floor area is not anticipated to significantly increase vehicle trips to the subject site and the general area.

## **DECISION-ADMINISTRATIVE CONDITIONAL USE**

The conditional use application is **APPROVED WITH CONDITIONS** as indicated at the end of this document.

**CONDITIONS-ADMINISTRATIVE CONDITIONAL USE PERMIT**

Non-appealable conditions

1. Embed all conditions of approval into the cover sheet on the updated MUP plan set and all subsequent building permit drawings.
2. Any proposed changes to the external design of all buildings, landscaping or improvements to the surface parking lot must be reviewed and approved by the DCLU planner prior to construction.
3. The existing fence sited along the west property line, running thirty feet due north from the southwest corner shall be maintained in good condition. The area between the fence and the structure shall be landscaped and maintained in good condition for the life of the religious facility.

Prior to issuance of MUP

The owner/applicant shall update plans to show:

- i. Five conforming parking stalls in the parking court.
- ii. Accurate lot coverage analysis with dimensions to illustrate total lot coverage at the development site.
- iii. View obscuring window for the kitchen pantry and view obscured windows for the main level convent portion of the principal structure.
- iv. Illustration of kitchen venting system redirected away from the residential properties.

Prior to the finalization of Construction Permit

4. Compliance with all conditions must be verified and approved by the Land Use Planner for the area, Bradley Wilburn, ph.: 206.615.0508, at the specified development stage, as required by the Director's decision. The applicant/responsible party is responsible for arranging an appointment with the Land Use Planner at least three (3) working days prior to the required inspection. The Land Use Planner shall determine whether the condition requires submission of additional documentation or field verification to assure that compliance has been achieved.

Signature: (signature on file) Date: December 25, 2003  
Bradley Wilburn  
Land Use Planner  
Department of Planning and Development